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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,546	04/24/2006	Magnus Holgesson	TPP31798	7403
24257	7590	03/21/2008	EXAMINER	
DICKINSON WRIGHT PLLC			WALTERS, JOHN DANIEL	
1901 L STREET NW				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20036			3618	
			MAIL DATE	DELIVERY MODE
			03/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/572,546	HOLGESSON, MAGNUS
	<b>Examiner</b>	<b>Art Unit</b>
	JOHN D. WALTERS	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 March 2006 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>20060317</u>	6) <input type="checkbox"/> Other: ____ .

## DETAILED ACTION

Claims 1 – 11 have been examined.

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following components must be shown or the feature(s) canceled from the claim(s):

- the tensioning device integrated in a transport means;
- protrusions from a lower side of a lid;
- a unit comprising containers in a collapsed state;
- lids and transportation means;
- containers including a base and four foldable side walls;
- tension strap seals.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "at least two of the wheels possibly are of the swivel castor wheel type". The use of the term "possibly" renders the limitation readable on any wheels. If this is not the intent, correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2 and 5 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uitz (5,865,315) in view of Broadley (WO 00/51898), disclosed by Applicant. Uitz discloses a material transport system comprising:

- a pallet like carrying structure (Fig 7A, item 56);
- a plurality of containers (Fig, 9A, item 26);
- a lid (Fig. 7A, item 76);
- tension straps (Fig. 7A, item 84);
- said containers including a base and foldable sidewalls (Fig. 3);
- said lid configured to receive and hold the profile of the bottom of said carrying structure (Fig. 11);
- said plurality of containers in a collapsed condition, said lid and said carrying structure can be assembled as a unit (Fig. 7A);
- said lid including protrusions on a lower side (Fig. 7A).

Uitz does not make use of a wheeled style carrying structure. Broadley, however, discloses transportation means comprising:

- a carrying structure (Fig. 2, item 24);
- castor wheels (Fig. 2, item 3);
- receiving means configured to receive wheels from a second carrying structure (Fig. 2, item 25);
- said receiving means including two narrow long side channels (Fig. 2);

- channel stoppers which prevent said wheels from moving inward or outward along said channels (Fig. 2, item 25').

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the transportation means of Broadley with the material transportation system of Uitz in order to provide ease of movement for the system of Uitz in both a loaded and unloaded configuration. This would allow a user to move said system without the use of a fork truck or other mechanized movement/lift system.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uitz (5,865,315) in view of Broadley (WO 00/51898), disclosed by Applicant as applied to claims 1, 2 and 5 – 11 above, and further in view of Griffin, Jr. (4,000,704). Uitz in view of Broadley does not disclose the use of a seal on a tension strap. Griffin, Jr., however, discloses a shipping pallet comprising:

- tension band seals (Fig. 10, un-numbered clasps on items 78 and 80).

It would have been obvious to one of ordinary skill in the art at the time the instant invention was made to combine the seals of Griffin, Jr. with the transportation system of Uitz in view of Broadley in order to provide a secure connection between a palled bottom and a lid.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- McClure (5,186,330) discloses a stackable container;
- Dickinson (5,564,805) discloses a storage container with wheels;
- Brown et al. (5,829,595) disclose a thin sheet pallet sleeve;
- Ritter (6,024,223) discloses a storage container;
- Higgins (6,439,131) discloses a convertible highway and rail freight vehicle;
- Sullivan et al. (6,983,946) disclose a transportable container apparatus and method;
- Dubois et al. (7,066,477) disclose a transportation dolly;
- Akazawa et al. (JP 07-096943) disclose a lid and binding rod for a transportation container.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/  
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John D. Walters  
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Examiner, Art Unit 3618